

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID KENT FITCH §
VS. § CIVIL ACTION NO. 1:05cv255
C. D. ADAMS, ET AL. §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff David Kent Fitch, an inmate currently confined at the North Las Vegas Detention Center, proceeding *pro se*, filed this civil rights action against Dr. C. D. Adams, Dr. A. Villason, P. Hashop, Warden John Miles, Dr. Dennis C. Gore, Dr. Ned Snyder, and unidentified defendants.

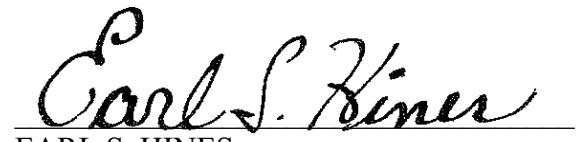
Analysis

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The court has considered the circumstances and has determined that justice would best be served if the claims concerning events that took place at the University of Texas Medical Branch Hospital in Galveston were severed and transferred to the district in which the claims arose. Therefore, it is the opinion of the undersigned that the claims against defendants Gore and Snyder, and the unidentified defendants should be severed and transferred to the Galveston Division of the

United States District Court for the Southern District of Texas. This court will retain all remaining claims and defendants. An appropriate order so providing will be entered by the undersigned.

SIGNED this 15th day of April, 2005.


Earl S. Hines
EARL S. HINES
UNITED STATES MAGISTRATE JUDGE